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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JOHNNY D. TURNER,

12 Plaintiff,

13 v.

14 PIERCE COUNTY (SHERRIFF P.
15 PORTER), *et al*,

16 Defendants.

Case No. C08-5464FDB-KLS

ORDER TO SHOW CAUSE

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20 This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28
21 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an
22 application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a
23 complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper
24 application to proceed *in forma pauperis*.

25 On July 22, 2008, the Clerk received plaintiff's complaint and application to proceed *in forma*
26 *pauperis*. (Dkt. #1). On July 23, 2008, the Clerk sent plaintiff a letter informing him that he had failed to
27 provide a copy of his prison trust account statement showing transactions for the past six months, and that
28 he had provided an insufficient number of copies of the complaint for service. (Dkt. #2). The Clerk also

1 informed plaintiff that if he did not respond to the letter by August 22, 2008, this action could be subject
2 to dismissal. To date, however, plaintiff has not filed any response thereto.

3 Pursuant to 28 U.S.C. § 1915(a)(2):

4 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or
5 proceeding without prepayment of fees or security therefor . . . shall submit a certified
6 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
7 the 6-month period immediately preceding the filing of the complaint or notice of
8 appeal, obtained from the appropriate official of each prison at which the prisoner is or
9 was confined.

10 Plaintiff thus was required to submit a statement showing the balance and activity of his account for the
11 six-month period immediately preceding the filing of his complaint. The Court is unable to determine
12 plaintiff's eligibility for *in forma pauperis* status without that statement. In addition, plaintiff states in his
13 application that he has \$1,100.00 in a checking or savings account, stating further that "But Moneys [sic]
14 a Sucured [sic] Loan." (Dkt. #1, p. 2). It is unclear, however, what plaintiff means by this, and whether or
15 not he has access to those funds.


16 Accordingly, the Court orders the following:

- 17 (1) Plaintiff shall seek to cure the above deficiencies by filing **no later than October 8, 2008**,
18 (a) a copy of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2) showing
19 the balance and activity of his account(s) for the six-month period immediately preceding
20 the filing of his complaint, and (b) a written response explaining the nature and status of
21 the \$1,100.00 he has in the above-noted checking or savings account and whether he has
22 access to those funds, and (c) provide the Court with **five (5)** copies of the complaint for
23 service on the named defendants.

24 **Failure to cure these deficiencies by the above date shall be deemed a failure to**
25 **properly prosecute this matter and the Court will recommend dismissal of this**
26 **matter.**

1 (2) The Clerk is directed to send a copy of this Order to plaintiff.

2 DATED this 8th day of September, 2008.

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6 Karen L. Strombom
7 United States Magistrate Judge
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